

Honorable Judge Benjamin H. Settle

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

CLYDE RAY SPENCER, MATTHEW RAY
SPENCER, and KATHRYN E. TETZ,

Plaintiffs,

v.

FORMER DEPUTY PROSECUTING
ATTORNEY FOR CLARK COUNTY
JAMES M. PETERS, DETECTIVE
SHARON KRAUSE, SERGEANT
MICHAEL DAVIDSON, CLARK COUNTY
PROSECUTOR'S OFFICE, CLARK
COUNTY SHERIFF'S OFFICE, THE
COUNTY OF CLARK, SHIRLEY
SPENCER, and JOHN DOES ONE
THROUGH TEN,

Defendants.

NO. C11-5424-BHS

ORDER GRANTING
DEFENDANT MICHAEL
DAVIDSON'S RENEWED
SUMMARY JUDGMENT
MOTION

[PROPOSED]

THIS MATTER having come on regularly for hearing on defendant Davidson's renewed motion for summary judgment, and the Court having reviewed the record herein and, to the extent deemed relevant and admissible, reviewed the material submitted by the parties concerning this motion, including:

1. Defendant Davidson's Renewed Summary Judgment Motion and the supporting declaration of Jeffrey Freimund (with Exhibits 1 – 10 attached thereto), and the other evidence

1 referenced in defendant Davidson's renewed summary judgment motion, including the
2 declarations of Shirley Spencer (with Exhibit A attached thereto, Docket Nos. 53 and 53-1),
3 Matthew Hanson (with Exhibits A and B attached thereto, Docket Nos. 54 and 54-1), Jeffrey
4 Freimund (with Exhibits 1-26 attached thereto, Docket Nos. 63 and 63-1 through 63-26),
5 Sharon Krause (with Exhibits 1-6 attached thereto, Docket Nos. 64 and 64-1 through 64-6),
6 James Peters (Docket No. 69), and Patricia Fetterley (with Exhibits 1-4 attached thereto,
7 Docket Nos. 70 and 70-1 through 70-4);

9 2. Plaintiffs' Response to Defendant Davidson's Renewed Summary Judgment
10 Motion, if any; and

11 3. Defendant Davidson's Reply in Support of Renewed Summary Judgment Motion;
12 and being fully advised, now, therefore,

13 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendant
14 Davidson's renewed motion for summary judgment is granted and all claims against
15 defendant Davidson are hereby dismissed with prejudice.
16

17 DONE IN OPEN COURT this ____ day of February, 2013.

18
19
20 U. S. DISTRICT JUDGE BENJAMIN H. SETTLE

21 Presented by:
22 s/Jeffrey A. O. Freimund
23 JEFFREY A. O. FREIMUND, WSBA No. 17384
24 Freimund Jackson Tardif & Benedict Garratt, PLLC
25 711 Capitol Way South, Suite 602
26 Olympia, WA 98502
Telephone: (360) 534-9960
Fax: (360) 534-9959
jeffF@fjtlaw.com
Attorney for Defendant Michael Davidson

CERTIFICATE OF SERVICE

I hereby certify that on January 16, 2013, I caused to be electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Douglas H. Johnson, Attorney Pro Hac Vice for Plaintiff Clyde Ray Spencer
dhjohnson43@aol.com

Kathleen T. Zellner, Attorney Pro Hac Vice for Plaintiff Clyde Ray Spencer
kathleen.zellner@gmail.com

Daniel T. Davies, Attorney for Plaintiff Clyde Ray Spencer
dandavies@dwt.com

Daniel J. Judge, Attorney for Defendant James M. Peters
danielj@atg.wa.gov

Patricia C. Fetterly, Attorney for Defendant James M. Peters
Patriciafl@atg.wa.gov

Guy Bogdanovich, Attorney for Defendant Sharon Krause
gbogdanovich@lldkb.com

s/Janice Flaherty

JANICE FLAHERTY

Legal Assistant to

JEFFREY A. O. FREIMUND, WSBA No. 17384

Freimund Jackson Tardif

& Benedict Garratt, PLLC

711 Capitol Way South, Suite 602

Olympia, WA 98502

Telephone: (360) 534-9960

Fax: (360) 534-9959

jeffF@fjtlaw.com

Attorney for Defendant Michael Davidson